

REMARKS/ARGUMENTS

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

1. Summary of the Office Action

Applicants are requested to update the continuation status of this application.

Claims 19-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S Patent No. 6,206,972.

Claims 25-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,284,673.

2. Priority

A preliminary amendment was filed previously on September 4, 2003 updating the continuation status of this application. A copy is attached as Exhibit A.

3. Double Patenting

A terminal disclaimer in compliance with 37 C.F.R 1.321(c) is enclosed in order to overcome the rejection based on non-statutory double patenting.

4. Conclusion

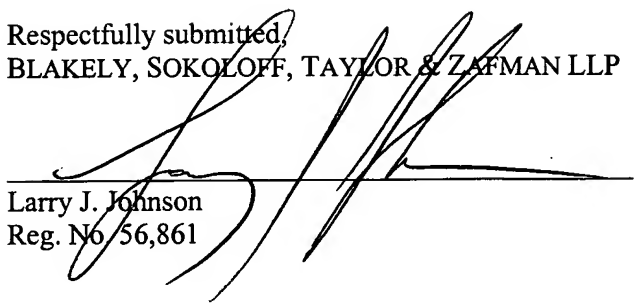
Having tendered the above remarks, Applicant respectfully submits that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666. If a telephone interview would in any way expedite the

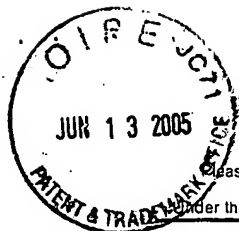
prosecution of the present application, the Examiner is invited to contact Larry J. Johnson at
(408) 947-8200 ext. 208.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 10, 2005


Larry J. Johnson
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COPY

PTO/SB/03 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	P382C3
First Inventor	Scott William Dunham
Title	Method and Apparatus for Providing Uniform Gas Delivery to Substrates in CVD and PECVD Processes
Express Mail Label No.	EV298199235US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
 2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
 3. ☒ Specification (Total Pages)
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
 4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets - 5. Oath or Declaration [Total Pages - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Check for fees.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 10/335,404

Prior application information:

Examiner Alexander Ghyka

Group Art Unit: 2812

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 24739 or ☐ Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Donald R. Boys	Registration No. (Attorney/Agent)	35,074
Signature		Date	09/04/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit Not Known
Examiner Not Known

In Re: Scott William Dunham
Case: P382C3
Serial No.: NA
Filed: 09/04/2003
Subject: Method and Apparatus for Providing Uniform Gas Delivery to
Substrates in CVD and PECVD Processes

To the Commissioner of Patents and Trademarks
Washington, D.C. 20231

Preliminary Amendment

Dear Sir,

In the specification:

Please add a section entitled "Cross-Reference to Related Documents"
beginning at line 12 as follows:

The present application is a continuation application of co-pending patent application serial number 10/335,404 entitled "Method and Apparatus for Providing Uniform Gas Delivery to Substrates in CVD and PECVD Processes," which was filed on December 30, 2002, which claims priority to patent application 09/939,272 filed August 23, 2001, which claims priority to patent application 09/769,634 (US 6,284,673) filed on January 24, 2001, which claims priority to patent application 09/350,417 (US 6,206,972) which was filed on July 8, 1999, all of which are incorporated herein in their entirety.

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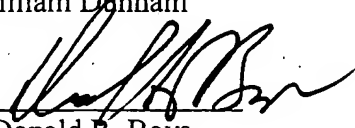
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If there are any fees due beyond any fees paid with the present application and amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully submitted,

Scott William Danham

by


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Reg. No. 35,074

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Aromas, CA 95004